

Remarks/Arguments

Claims 1-9 are pending in this application, and are rejected in the final Office Action of October 25, 2011. Claims 1-9 are amended herein to more particularly point out and distinctly claim the subject matter regarded as the invention.

Re: Patentability of Claims 1-9 under 35 U.S.C. §103(a)

Claims 1-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,260,823 issued to Schlack et al. (hereinafter, "Schlack") in view of U.S. Patent No. 7,333,712 issued to Jeannin et al. (hereinafter, "Jeannin"). Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 1, as amended herein, recites:

"A device, comprising:
a storage unit that stores multimedia documents;
a viewing unit that enables a user to view the multimedia documents stored on the storage unit;
a weighting module that automatically assigns a weight to each of the multimedia documents stored on the storage unit according to a number of times each of the multimedia documents is viewed by the user;
and
a summary creation module that creates a summary of each of the multimedia documents stored on the storage unit according to the weight assigned to each of the multimedia documents, wherein each of the summaries summarizes contents of a corresponding multimedia document and a duration of each of the summaries is based on the weight assigned to the corresponding multimedia document." (emphasis added)

As indicated above, independent claim 1 recites a device for creating summaries of multimedia documents. The device comprises a number of notable features, including "a weighting module that automatically assigns a weight to each of the multimedia documents stored on the storage unit according to a number of times each of the multimedia documents is viewed by the user" and "a summary creation module that creates a summary of each of the multimedia documents stored on the storage unit

according to the weight assigned to each of the multimedia documents, wherein each of the summaries summarizes contents of a corresponding multimedia document and a duration of each of the summaries is based on the weight assigned to the corresponding multimedia document”. Independent claim 8 is also amended herein and recites features similar to independent claim 1, but is drafted in method format. Support for the amendments herein to independent claims 1 and 8 may be found, for example, on page 2, lines 19-23; page 3, lines 18-20 and page 7, lines 24-26 of Applicants’ specification.

Neither Schlack nor Jeannin, whether taken individually or in combination, discloses or suggests each and every feature recited by independent claims 1 and 8.

The primary reference, Schlack, is generally directed to the creation of user profiles. Even assuming that Schlack discloses the general concept of assigning weights to programs, as alleged by the Examiner, such weights are based on the time duration in which such programs are viewed (see, for example, FIGS. 16 and 24 and their accompanying descriptions), not on “a number of times” a given multimedia document is viewed or accessed, as claimed. As such, Schlack fails to disclose or suggest, *inter alia*, the features of “a weighting module that automatically assigns a weight to each of the multimedia documents stored on the storage unit according to a number of times each of the multimedia documents is viewed by the user” (emphasis added), as recited by amended independent claim 1 (and similarly recited by amended independent claim 8).

Moreover, Schlack fails to disclose or suggest, *inter alia*, the features of “a summary creation module that creates a summary of each of the multimedia documents stored on the storage unit according to the weight assigned [as defined above] to each of the multimedia documents, wherein ... a duration of each of the summaries is based on the weight assigned to the corresponding multimedia document” (emphasis added),

as recited by amended independent claim 1 (and similarly recited by amended independent claim 8).

Jeannin is unable to remedy the aforementioned deficiencies of Schlack. Jeannin is relied upon by the Examiner for allegedly teaching “**each summary summarizes contents of a multimedia document** as weights are assigned ... a particular scene of the video source in the initial visual summary” (bold original), citing column 4, lines 9-18 thereof (see page 3 of the outstanding final Office Action).

However, even assuming that the foregoing allegations regarding Jeannin are correct, Jeannin (like Schlack) also fails to disclose or suggest, *inter alia*, the features of: “a weighting module that automatically assigns a weight to each of the multimedia documents stored on the storage unit according to a number of times each of the multimedia documents is viewed by the user” (emphasis added), and “a summary creation module that creates a summary of each of the multimedia documents stored on the storage unit according to the weight assigned [as defined above] to each of the multimedia documents, wherein ... a duration of each of the summaries is based on the weight assigned to the corresponding multimedia document” (emphasis added), as recited by amended independent claim 1 (and similarly recited by amended independent claim 8).

Therefore, even if the teachings of Schlack and Jeannin are combined, as proposed, the resulting combination still does not disclose or suggest each and every feature of independent claims 1 and 8 (and dependent claims 2-7 and 9).

Accordingly, for at least the foregoing reasons, Applicants submit that claims 1-9 are patentable under 35 U.S.C. §103(a) over the proposed combination of Schlack and Jeannin, and withdrawal of the rejection is respectfully requested.

Conclusion

For at least the foregoing reasons, it is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intention to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding remarks/arguments, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (540) 374-8400, so that a mutually convenient date and time for a telephonic interview may be scheduled.

If not previously charged, please charge the fee for the RCE, and credit any overpayment, to Deposit Account No. 07-0832.

Respectfully submitted,

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